

EXHIBIT C: PUBLIC PARTICIPATION PLAN

**PEND OREILLE MINE SITE
TAILINGS DISPOSAL FACILITIES
TDF-1 AND TDF-2**

**DRAFT
PUBLIC PARTICIPATION PLAN
FOR THE
AGREED ORDER
REMEDIAL INVESTIGATION / FEASIBILITY STUDY**

**PREPARED BY:
GOLDER ASSOCIATES INC. /
TECK COMINCO AMERICAN INCORPORATED
AND
WASHINGTON STATE DEPARTMENT OF ECOLOGY
APRIL 2005**

INTRODUCTION

OVERVIEW OF PUBLIC PARTICIPATION PLAN

This Public Participation Plan (Plan) has been developed by Teck Cominco American Incorporated (Teck Cominco) and the Washington Department of Ecology (Ecology) as part of an Agreed Order for a Remedial Investigation/Feasibility Study (RI/FS) at the Pend Oreille Mine Tailings Disposal Facilities TDF-1 and TDF-2 (Site). The Pend Oreille Mine is located in northeastern Washington State, 80 miles north of the City of Spokane and about two miles north of the town of Metaline Falls, Pend Oreille County. The Site is in the SE quarter of Section 10 and the NE quarter of Section 15, Township 39 North, Range 43 East. Cleanup focuses on lead, zinc, cadmium, arsenic and other metals in soils, groundwater and surface water.

This Plan complies with the Washington State Model Toxics Control Act (MTCA) regulations (Chapter 173-340-600 WAC) and outlines proposed public participation for the Pend Oreille Mine tailings facilities TDF-1 and TDF-2 from the beginning through final stages of cleanup. Ecology maintains responsibility for public participation at the Site. Teck Cominco and Golder Associates, Inc. (Golder) will help coordinate and implement the public participation. This Plan will be reviewed during each stage of cleanup and may be amended if necessary. Ecology will determine final approval of the Plan as well as any amendments.

The purpose of the Plan is to promote public understanding of Ecology's responsibilities, planning, and cleanup activities at this Site. It also serves as a way of gathering information from the public that will help Ecology and Teck Cominco plan for Site related cleanup in a manner that is protective of human health and the environment. This Plan will help the communities of Pend Oreille Village, Metaline Falls and Metaline to be informed about Site cleanup activities and how interested persons may contribute to the decision-making process.

A glossary of terms used in this Plan is included as Appendix A. Documents relating to the cleanup may be reviewed at the repositories listed on page 7 of this Plan. If individuals are interested in knowing more about the Site or have comments regarding the Public Participation Plan, please contact one of the individuals listed below:

Mr. Bill Fees, Environmental Engineer,
Washington State Department of Ecology, Eastern Regional Office
4601 North Monroe, Spokane, WA 99205
509-329-3589
Email: wfee461@ecy.wa.gov

Mr. David Godlewski, Manager Environmental & Public Affairs
Teck Cominco American Incorporated
15918 E. Euclid, Spokane, WA 99216
509-892-2584
Email: Dave.Godlewski@teckcominco.com

Mr. Douglas Morell, Project Manager
Golder Associates Inc.
18300 NE Union Hill Road, Suite 200, Redmond, WA 98052
425-883-0777
Email: dmorell@golder.com

Ms. Bryony Stasney, Community Outreach
Golder Associates Inc.
1200 West Ironwood Drive, Suite 102, Coeur d'Alene, ID 83814
208-676-9933
Email: bstasney@golder.com

Carol Bergin, Public Involvement
Washington State Department of Ecology, Eastern Regional Office
4601 North Monroe, Spokane, WA 99205
509-329-3546
Email: cabe461@ecy.wa.gov

Mrs. Johnnie Landis, Public Disclosure
Washington State Department of Ecology, Eastern Regional Office
4601 North Monroe, Spokane, WA 99205
509-329-3415
Email: johh461@ecy.wa.gov

PUBLIC PARTICIPATION AND THE MODEL TOXICS CONTROL ACT

The Model Toxics Control Act (MTCA) is a citizens' initiative which passed in the November 1988 general election. It provides guidelines for the cleanup of contaminated sites in Washington State. This law sets strict standards to make sure the cleanup of sites is protective of human health and the environment. The Department of Ecology's Toxics Cleanup Program investigates reports of contamination that may threaten human health and/or the environment. If an investigation confirms the presence of contaminants, the Site is ranked and placed on a Hazardous Sites List. Current or former owners or operators, as well as any other potentially liable persons (PLPs), of a site may be held responsible for cleanup of contamination according to the standards set under MTCA. The PLPs are notified by Ecology that the Site has contaminants, and the process of cleanup begins with Ecology implementing and overseeing the project. The PLP for this Site is Teck Cominco American Incorporated.

Public participation is an important part of the MTCA process during cleanup of sites. The public participation needs are assessed at each site according to interest expressed by the public and degree of risk posed by contaminants. Individuals who live near the Site, community groups, businesses, organizations and other interested parties are provided an opportunity to become involved in commenting on the cleanup process. The Public Participation Plan includes requirements for public notice such as: identifying reports about the Site and the repositories where reports may be read; providing public comment periods; and holding public meetings or hearings. Other forms of participation may be personal interviews, involvement in citizen advisory groups, questionnaires, or workshops. Additionally, citizen

groups living near contaminated sites may apply for public participation grants to receive technical assistance in understanding the cleanup process and to create additional public participation avenues.

SITE BACKGROUND

SITE DESCRIPTION AND HISTORY

The Pend Oreille Mine and Mill are located two miles north of Metaline Falls, Washington, on the east side of the Pend Oreille River. The general terrain of the northeastern corner of Washington from Metaline to the Canadian border is mountainous and rugged with glaciated valleys. The area is heavily forested and dotted with many lakes formed from the melting of glacial ice.

The mine has historical roots of operation dating from as early as 1904 to the present. Early mining began on the west side of the Pend Oreille River. Mining on the east side of the river, at the current site, took place from 1952 until closure of the mine in 1977. Various owners operated the facility until 1996 when Cominco American Incorporated acquired it. In 2001, Cominco American Incorporated changed its name to Teck Cominco American Incorporated and in 2004 reopened the mine for production. Teck Cominco remains the current operator.

The purpose of mining at the site is to remove ore-bearing rock from the underground mine and process it in facilities above ground. Zinc and lead are the primary metals recovered in the mining process and sold for economic benefit. During ore processing and metal extraction a fine material is produced called tailings. Historically, tailings were discharged directly into the Pend Oreille River until 1967. Since 1967 three areas have been used to store mine tailings at the Site.

These storage areas are called Tailings Disposal Facilities (TDF) 1, 2 and 3. TDF-1 and 2 cover approximately 49 acres and are located northwest of the Pend Oreille Mine Golf Course and east of the Pend Oreille River (see maps in Appendix B). Both TDF-1 and TDF-2 are located on Pend Oreille Mine property owned by Teck Cominco American Incorporated. Pend Oreille Village and the Town of Metaline Falls are located about two miles and three miles respectively southwest of the Site.

Lead, zinc, cadmium and arsenic have been found in soil at TDF-3. Tailings at TDF-3 were processed by the same mill and came from the same ore extracted from a geologic area called the Josephine Horizon as most of the tailings in TDF-1 and 2. As a result of these findings, TDF-1 and 2 are the focus of the Remedial Investigation and Feasibility Study (RI/FS). The Remedial Investigation will determine where and how much contamination exists in these two areas. The Feasibility Study will evaluate cleanup options. A report will be developed of the findings of the RI/FS and presented for public comment. TDF-3 is an active area where tailings continue to be stored and will be addressed in the future when the mine is closed.

CONTAMINANTS OF CONCERN

The contaminants of concern at the Site include lead, zinc, cadmium, arsenic and potentially other metals in soils, groundwater and surface water related to tailings at TDF-1 and TDF-2. A Scope of Work is included as part of the Agreed Order to guide Site investigations and characterize the degree of risk posed to human health and the environment from Site-related contaminants. The results of the

remedial investigations will guide actions to clean up the Site. An overview of the investigation and cleanup process is outlined under Site Cleanup Process of this plan.

COMMUNITY BACKGROUND

COMMUNITY PROFILE

Three communities are found southwest of the Site. The Pend Oreille Village and town of Metaline Falls are approximately 2-3 miles southwest of the Site and east of the river. The town of Metaline is southwest of Metaline Falls on the west side of the river. The populations of Pend Oreille Village, Metaline Falls and Metaline combined are nearly 430, and are comprised of mainly English speaking communities. The primary employers are the Selkirk School District, Seattle City Light, Teck Cominco, US Forest Service and US Customs and Immigration. Art and culture is particularly important to Metaline Falls which was voted one of the "100 Best Small Art Towns in America" in 1996. Metaline Falls includes a number of historical buildings, including the Cutter Theatre which features live performances, an art gallery, the Historic Schools Display and houses the Metaline Library.

Land in the immediate vicinity of the Site is both privately and publicly owned. Private lands include the communities listed above as well as farmlands, ranches, homes and cabins. Most of the land in the vicinity of the Site is public land of the Colville National Forest. This land is managed by the federal government for multiple uses, with emphasis on recreation, wildlife and timber harvesting.

Important local industries include mining, timber, agriculture and recreation. Mining has occurred in the area since the late 1800s. Timber has been harvested for many years in the area on both private and public lands for lumber and other forest products. However, this industry has declined within the past five years. There are a few privately owned hay and beef cattle farms in the vicinity of the Site. These farms also lease Colville National Forest lands for summer pasture.

Recreation provides important income to the local communities. Popular attractions to the area include nearby Sullivan Lake, Gardner Caves, Boundary and Box Canyon Dams, the Pend Oreille River, the North Pend Oreille Scenic Byway and International Selkirk Loop. Activities include hiking, cross-county skiing, camping, rock climbing, boating, hunting, fishing, wildlife and scenery viewing. The Metaline Falls Golf Course is located adjacent and to the east of the Site on lands leased from Teck Cominco. The nine-hole golf course includes a small club house and parking area. The Gun Club includes skeet shooting (on the golf course in the winter) and gun sighting and target practice facilities.

COMMUNITY INTERVIEWS

Community interviews may be conducted with the general public during the comment period for the Remedial Investigation/Feasibility Study. Example questions for community interviews are included in Appendix D of this Plan. Additional meetings in the community may be scheduled at key points in the project.

COMMUNITY CONCERNS

Community concerns will be identified during general public interviews, public meetings and as a result of comments submitted during the Remedial Investigation/Feasibility Study and future public comment periods. The public may also contact any of the individuals listed on Pages 2-3 of this Plan and express Site-related concerns.

SITE CLEANUP PROCESS

Agreed Order

The Agreed Order to perform a Remedial Investigation/Feasibility Study (RI/FS) is a legal document formalizing the agreement between Ecology and the potentially liable persons (PLPs) to ensure cleanup activities are conducted appropriately. The Order is completed under the authority of the Model Toxics Control Act (MTCA) Chapter 70.105D RCW. The PLP for this Site is Teck Cominco American Incorporated.

Remedial Investigation/Feasibility Study

The purpose of the Remedial Investigation/Feasibility Study (RI/FS) is to collect, develop and evaluate information regarding contamination in affected areas on and off-site. The RI will define the type, extent and degree of soil, groundwater and surface water contamination and the impacts to the affected areas. The FS will identify, evaluate and propose alternative cleanup actions.

Draft Cleanup Action Plan

A Draft Cleanup Action Plan (DCAP) will be developed based on information obtained from the RI/FS reports. The DCAP will evaluate proposed cleanup options outlined in the FS and select a proposed cleanup action(s).

State Environmental Policy Act (SEPA)

SEPA requires government agencies to consider the potential environmental impacts of a project before beginning actual cleanup. After review of a completed environmental checklist and other site specific information, Ecology may determine the cleanup at the Site will not have a probable adverse impact on the environment. Additionally, if it is determined the cleanup action will benefit the environment by reducing the release of toxic chemicals from the Site, a determination of non-significance may be issued.

PUBLIC PARTICIPATION ACTIVITIES AND TIMELINE

The following are public participation efforts which will occur until the cleanup actions are completed:

- ❖ A **mailing list** has been developed for persons who reside within the potentially affected vicinity of the proposed cleanup action. It also includes businesses, organizations and individuals who have expressed interest in cleanup at the Site. The potentially affected vicinity includes all property within and neighboring the Site and any other area that Ecology determines to be directly affected by the proposed action. TDF-1 and TDF-2 and the land in the immediate vicinity of the facilities are located on property owned or leased by Teck Cominco. The land down gradient of the facilities between Teck Cominco's property and the Pend Oreille River is owned by Seattle City Light. The

Washington State Department of Natural Resources has jurisdictional responsibility for the beds and shores of the Pend Oreille River. There are no homes, businesses or private land in this area.

- ❖ Persons on the mailing list will receive copies of fact sheets developed regarding the cleanup process via first class mail. Additionally, individuals, organizations, local, state and federal governments, and any other interested parties will be added to the mailing list upon request. Other interested persons may request to be added to the mailing list by contacting Carol Bergin at the Department of Ecology (see Page 3 of this Plan for Carol Bergin's contact information).
- ❖ **Public Repositories** have been established and documents may be reviewed at the following offices:

Washington State Department of Ecology
Eastern Regional Office
4601 North Monroe, Spokane, WA 99205
Contact: Ms. Johnnie Harris
509-329-3415
Hours: Monday – Thursday 8:00 am – 5:00 pm

Public Library
Cutter Theatre Building
302 Park Street
Metaline Falls, WA 99153
509-446-3232
Hours: Monday 10:00 am-noon and 1:00 pm – 6:00 pm
Wednesday 1:00 pm – 6:00 pm
Friday 10:00 am-4:00 pm
2nd and 4th Saturdays every month 10:00 am – 3:00 pm

- ❖ During each stage of cleanup **fact sheets** are created by Ecology, reviewed by Teck Cominco American Incorporated and Golder and distributed to individuals on the mailing list. These fact sheets explain the stage of cleanup, the Site background, what happens next in the cleanup process and ask for comments from the public. A **30-day comment period** allows interested parties time to comment at specific stages during the cleanup process. The information from these fact sheets is also published in a **Site Register** which is distributed to the public. Persons interested in receiving the Site Register should contact Linda Thompson of Ecology at 360-407-6069 or e-mail ltho461@ecy.wa.gov.
- ❖ **Display ads or legal notices** are published in the Statesman Examiner, Selkirk Sun, the Newport Miner and The Spokesman-Review to inform the general public. These notices correlate with the 30-day comment period and associated stage of cleanup. They are also used to announce public meetings, workshops or hearings.
- ❖ **Public meetings, workshops, open houses and public hearings** are held based upon the level of community interest. If ten or more persons request a public meeting or hearing based on the subject of the public notice, Ecology will hold a meeting or hearing and gather comments. It is anticipated

that public meetings, open houses and/or hearings will be held at the Cutter Theatre in Metaline Falls. The date, time and locations of such meetings will be announced in fact sheets, display ads or legal notices.

- ❖ Written comments which are received during the 30-day comment periods may be responded to in a **Responsiveness Summary**. The Responsiveness Summary may be sent to those who make the written comments and will be available for public review at the Repositories.

ANSWERING QUESTIONS FROM THE PUBLIC

Individuals in the community may have questions they want to ask so they may better understand the cleanup process. The list of contacts for the Pend Oreille Mine Site is provided on Pages 2 and 3 of this Plan. Interested persons are encouraged to contact these persons by phone or e-mail to obtain information about the Site, the process and potential decisions.

OBTAINING COMMUNITY INPUT ON SITE DECISIONS

The following points outline the anticipated community outreach activities. Timelines for the activities will be announced as the activities are confirmed and scheduled.

- ❖ Interviews may be conducted with members of the general public and other interested parties before and during the RI/FS comment period.
- ❖ A meeting will be held with the Selkirk Community Teck Cominco Planners to identify additional community concerns.
- ❖ A press release and fact sheet will be developed by Ecology to introduce the project, inform the community and stakeholders of a public meeting and 30-day comment period, and describe the RI/FS project scope and timelines. Ecology will work with Teck Cominco in the development of the public meeting.
- ❖ A community meeting will be held at the Selkirk School to describe the RI/FS project and timelines. The meeting will also provide the public an opportunity to ask questions, get answers regarding the Site cleanup process and project, and submit formal comments if interested.
- ❖ After the remedial investigation and feasibility study are completed, a report will be issued explaining the findings. The draft report will be made available to the public for a 30-day review and comment period. Community input will be used to help direct the selection of the proposed remedial action and land use.
- ❖ A Draft Cleanup Action Plan (DCAP) will be developed based on information obtained from the RI/FS reports. The DCAP will evaluate the proposed cleanup options outlined in the FS and select a proposed cleanup action(s). The proposed DCAP will be made available to the public for a 30-day review and comment.
- ❖ The State Environmental Policy Act (SEPA) requires government agencies to consider the potential environmental impacts of a project before beginning actual cleanup. This document may be combined with the DCAP 30-day review and comment process.